

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action. Applicants respectfully submit that the application is allowable in view of the following remarks.

Claim Rejections – 35 U.S.C. §103(a)

Claims 1-3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document No. JP2000107116 to Kiyoyasu (hereinafter “Kiyoyasu”) in view of U.S. Patent No. 4,064,887 to Geiger *et al.* (hereinafter “Geiger”) and U.S. Patent No. 6,596,232 to Lin *et al.* (hereinafter “Lin”). For the following reasons, the rejection is respectfully traversed.

The combination of Kiyoyasu, Geiger and Lin fails to disclose every feature of the present invention claimed in amended claim 1. More specifically, Kiyoyasu, Geiger and Lin, even when combined, fail to teach, suggest or otherwise render obvious a second spray arm that is positioned above a sloped panel with an axis of rotation extending at a right angle to said panel and having a plane of rotation that partly extends underneath that of the first spray arm, as claimed.

Kiyoyasu discloses first and second spray arms below the rack adjacent to the sloped panel. However, it is correctly noted in the Office action, and is clear from Kiyoyasu itself that the second spray arm is not positioned with its axis of rotation at a right angle to the sloped panel. In fact, neither spray arm in Kiyoyasu is angled.

To make up for the shortcomings of Kiyoyasu, Geiger is cited in the Office action as teaching an angled spray arm. While Geiger appears to indeed have an angled spray arm, the angled spray arm disclosed is the top spray arm, which is suspended by the upper rack at the ***top***

of the dishwasher. This angled spray arm is not disposed vertically beneath the rack with the first spray arm as required by claim 1, nor is it *adjacent to the sloped panel* at the bottom of the dishwasher, also as required by claim 1. Further, and perhaps most troubling to the Applicants is that it is physically impossible for the plane of rotation of the angled spray arm in Geiger to partly extend underneath that of the first spray arm as claimed. The angled spray arm in Geiger is separated from the other spray arm by a lower rack. In order to have a plane of rotation that partly extends underneath that of the first spray arm, the angled spray arm would somehow have to pass through the lower rack.

The spray arms provided to the device for sterilizing medical devices in Lin are cited as teaching a spray arm with an axis of rotation extending at a right angle to a sloped panel. However, Lin also fails to teach overlapping spray arms, and a spray arm having a plane of rotation that partly extends underneath that of another spray arm.

Accordingly, the combination of Kiyoyasu, Geiger and Lin fails to teach, suggest or otherwise render obvious an angled spray arm adjacent to the sloped panel and including a plane of rotation that partly extends underneath that of the first spray arm. As explained above, Kiyoyasu fails to teach or even suggest an angled spray arm. Geiger fails to teach an angled spray arm that is adjacent to a sloped panel, or that has a plane of rotation that partly extends underneath that of the first spray arm. And Lin fails to teach, suggest or otherwise render obvious an overlap of spray arms, and an angled spray arm having a plane of rotation that partly extends underneath that of another spray arm, as claimed in claim 1.

Further, one of ordinary skill in the art would not find the invention of claim 1 obvious in view of the combined teachings of Kiyoyasu, Geiger and Lin. The Office action offers two reasons justifying the modification of the teachings of Kiyoyasu to include a sump located coaxially with a spray arm as taught by Geiger: first, placing the first spray arm above the sump is said to provide support to the first spray arm; and second, moving the sump in Kiyoyasu to be coaxial with the first spray arm would provide the spray arm with enough room to rotate. However, Applicants respectfully submit that both of these justifications are already afforded by

the design of Kiyoyasu without being modified according to Geiger. Accordingly, the Office action fails to provide any rationale explaining why one of ordinary skill in the art would find it obvious to modify Kiyoyasu according to Geiger to arrive at the invention of claim 1. The only reasons supporting such a modification are found in Applicants' own disclosure, which, if relied upon to justify such a modification, would constitute impermissible hindsight.

Regarding the first rationale, the first spray arm in Kiyoyasu is already provided with support. There is no need to modify Kiyoyasu at all to provide the first spray arm with support as suggested in the Office action. Thus, Applicants respectfully submit that one of ordinary skill in the art would not be motivated to make the modification as proposed to arrive at the claimed invention.

Regarding the second reason given to justify the modification of Kiyoyasu according to Geiger, i.e., to provide the first spray arm with enough room to rotate, Applicants respectfully point out that the first spray arm already has room to rotate in Kiyoyasu. Again, there would be nothing to be gained by, and accordingly, no motivation for moving the sump in Kiyoyasu to be coaxial with the first spray arm as in Geiger to give the first spray arm enough room to rotate as suggested in the Office action.

For at least the above reasons, the combination of Kiyoyasu, Geiger and Lin does not render claim 1 obvious, and thus, Applicants respectfully submit that claim 1 is patentable over the teachings of that combination. The remaining claims in the present application, namely, claims 2 and 4-6, are allowable for the limitations therein and for the limitations of the claims from which they depend.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

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If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. AEG-37595.

Respectfully submitted,
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